

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

|                                |   |                           |
|--------------------------------|---|---------------------------|
| RUBEN CONJI HOLTON,            | : |                           |
|                                | : |                           |
| Plaintiff                      | : | CIVIL ACTION NO. 4:21-737 |
|                                | : |                           |
| v.                             | : | (MANNION, D.J.)           |
|                                | : | (ARBUCKLE, M.J.)          |
|                                | : |                           |
| WARDEN FINLEY, <i>et al.</i> , | : |                           |
|                                | : |                           |
| Defendants                     | : |                           |

**ORDER**

In accordance with this court's Memorandum issued this same day, IT  
**IS HEREBY ORDERED THAT:**

1. The December 30, 2021 report of Judge Arbuckle, (**Doc. 22**),  
is **ADOPTED IN ITS ENTIRETY**.
2. The defendants' motion to dismiss, (**Doc. 14**), the plaintiff's  
complaint, (**Doc. 1**), is **GRANTED IN PART**, and **DENIED IN  
PART**.
3. The objections of the defendants to the report, (**Doc. 23**), are  
**OVERRULED**.
4. The defendants' motion, (**Doc. 14**), is **GRANTED** with respect  
to the plaintiff's FCTA claims, and the plaintiff's complaint,

- (**Doc. 1**), is **DISMISSED WITHOUT PREJUDICE** regarding his FTCA claims against the United States, for lack of jurisdiction. The plaintiff is permitted to file a separate FTCA action, should he choose, against the United States which will be docketed as a new case.
5. The defendants' motion to dismiss plaintiff's Bivens claims for improper joinder under Fed.R.Civ.P. 20, and for failure to exhaust under Fed.R.Civ.P. 12(b)(6), is **DENIED**.
  6. The plaintiff's complaint, (**Doc. 1**), will **PROCEED** with respect to all of its constitutional claims under Bivens against the six named prison official defendants in their individual capacities.
  7. The defendants' motion for a more definite statement under Fed.R.Civ.P. 12(e), is **DENIED**.
  8. The plaintiff's Bivens claims against the defendants in their official capacities are **DISMISSED** since they are barred by sovereign immunity.

9. The Clerk of Court is directed to **REMAND THIS CASE** to Judge Arbuckle for further proceedings consistent with this Order.

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
United States District Judge

**DATE: February 25, 2022**

21-737-01-Order